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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,707	03/30/2001	M. Scott Reichardt	UV-194	7462

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EXAMINER

ABEBE, DANIEL DEMELASH

ART UNIT PAPER NUMBER

2655

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/823,707

Applicant(s)

REICHARDT ET AL.

Examiner

Daniel D Abebe

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 37-42, 83-88 and 141-149 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37, 41-42, 83, 87-88, 141-144 and 148-149 is/are rejected.
- 7) ☒ Claim(s) 38-40, 84-86 and 145-147 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-7-08
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_

***Election/Restrictions***

During a telephone conversation with Applicant's representative on March 10, 2004 a provisional election was made to prosecute the invention of group 2 consisting, claims 37-42, 83-88 and 141-149. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 1-36, 43-82, 89-140 and 150-153 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37, 41-42, 83, 87-88, 141-144 and 148-149 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (6,438, 752) in view of Houser et al. (5,774,859).

As to claim 37, McClard teaches a method for providing individual-based program selection in an interactive media guidance application, comprising the steps of:

Receiving a first signal of preference selection ;

Receiving voice signal indicating the identity of the user;

Performing a feature specific, "individualized content-based program selection" to the user based on the identity of the user (Fig.1; Col.2, lines 25-34; Col.5, lines 21-23). It is noted that while McClard's art teaches where user command is received, it doesn't explicitly say it is a voice command. However, the use of voice command in electronic program guide application is well known. For example, Houser teaches such a system where the user interacts with EPG application using voice command. Therefore one skilled in the art would appreciate that including the voice command in McCard's art, in view of Houser, would have been obvious for allowing the user to speak the commands instead of pressing the keys.

As to claim 41, McCard teaches providing a feature to the user based on past history and identity of the user (Col.2, lines 40-46).

As to claim 42, McCard teaches where providing feature specific to the user includes providing favorite channel and categories (abstract; Fig.3, 74).

Claims 83, 87-88, 141 and 148-149 are analogous to claims 37, 41 and 42 and are rejected for the foregoing reason by McCard.

As to claims 142-144, McCard teaches where the system includes a speaker and a display for interacting with the user (Fig.3, 40)

#### ***Allowable Subject Matter***

Claims 38-40, 84-86 and 145-147 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the claims are allowable because, McCard doesn't teach where the feature specific comprises, providing customized user interface, targeted advertisement and measuring audience information... as recited in the claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alexander et al. (6,177,931).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D Abebe whose telephone number is 703-308-5543. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

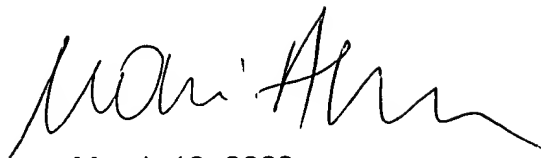
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**DANIEL ABEBE  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Dan Abebe', with a long horizontal flourish extending to the right.

March 12, 2003